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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,697	08/05/2003	Yuji Nakajima	026304-0209	8338

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FOLEY & LARDNER
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LOS ANGELES, CA 90067

EXAMINER

BROUSSARD, COREY M

ART UNIT	PAPER NUMBER
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2835

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/635,697

Applicant(s)

NAKAJIMA ET AL.

Examiner

Corey M. Broussard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/03, 9/04, 5/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second rib as claimed in claim 2 must be shown or the features canceled from the claim. The drawings seem to show a plurality of second ribs, not a single second rib having two members. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 6, 7, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 uses reference characters in a way which renders the claim indefinite. Numbers in parenthesis are understood to refer to reference characters of the disclosure. See MPEP 608.01(m)
4. With respect to claims 6 and 7, it is unclear how an edge of a rib can be located at a side of a direction. A direction is not an object and would not typically have sides.
5. With respect to claim 10, it is unclear what the width direction is.

Claim Objections

6. Claims 1-15 are objected to because of the following informalities: the word "slid" is used improperly throughout the claims. The Examiner suggests the word "sled" be used instead.
7. Claim 8 line 4 repeats the word "is". Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1-5, 10, and 11 are rejected under 35 U.S.C. 102(a) as being anticipated by Singleton, JR et al. (US Pub 2002/0163204). With respect to claim 1 as best as it can be understood, Singleton teaches a first housing (base having surface 27, see Fig. 1); second housing (25) connected to the first housing, the second housing rotating between a closed position to be superposed on the first housing, and an open position to expose the first housing (see [0015]); and having front wall, a rear wall and an upper wall, said upper wall being exposed even if the second housing is in the closed position; a latch (10) which mechanically connects the second housing to first housing in the closed position, the latch has a slid member (35) slidably mounted on the upper wall, the slid member having an outer surface with a first rib (45) which is arranged on the outer surface, extended in the direction crossing the sliding direction of the slid member (the sliding direction is the +y direction, see [0018]); and a second rib (40) arranged in one of on said slid member on said upper wall or on said rear wall, said second rib extending in the direction crossing a second housing rotating direction.

10. With respect to claim 2, Singleton teaches wherein the second rib includes two rib members positioned with the first rib there between (see Fig. 3, 45 lies between two portions of 40).

11. With respect to claim 3, Singleton teaches wherein the first rib has a projection height equivalent to the second rib (see Fig. 3, the projection height of the first and second rib are equal where the ribs meet at the ends of the rib 45).

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12. With respect to claim 4, Singleton teaches wherein the second rib has a higher projection height than the first rib (see Fig. 3, the second rib has a maximum projection height near the middle where the depression is deepest, said projection height is higher than the second rib near the ends where the depression is less deep. This satisfies the broad limitations specified by the opened ended claim language).

13. With respect to claim 5, Singleton teaches a first housing (base having surface 27, see Fig. 1); a second housing (25) having one end supported by the first housing and the other end located opposite to the one end, the second housing rotating between a closed position to cover the first housing, and an open position to expose the first housing, and the second housing having a upper wall positioned at the other end; and a latch (10) mounted at the other end of the second housing, the latch sliding along a longitudinal direction of the second housing (see Fig. 1, 2, and [0018], the longitudinal direction is the y direction), between a locked position to lock onto the first housing when the second housing is in the closed position, and an unlocked position to release the second housing from the first housing, the latch member having a slid member (35) which is slidably mounted on the upper wall, the slid member having an outer surface with a plurality of first ribs (45, see [0020] teaching a plurality of ridges 45) and at least one second rib (40), wherein the first ribs are projected from the outer surface, extended in the direction crossing a sliding direction of the slid member (the first ribs cross the y direction, see Fig. 3), and arranged with intervals in the sliding direction of the slid member; and the at least one second rib is projected from the outer surface, extended in a direction crossing a second housing rotating direction.

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14. With respect to claim 10 as best as it can be understood, Singleton teaches wherein the slid member is located at the center in the width direction of the upper wall (see Fig. 1).

15. With respect to claim 11, Singleton teaches wherein the at least one second rib extends over the first ribs (the second rib lies across and extends to the other side of the first rib(s), therefore is fairly characterized as extending over said ribs).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singleton, JR et al. (US Pub 2002/0163204) in view of Lombardo (PN 2,981,011). With respect to claims 6 and 7 as best as can be understood, Singleton teaches the device as applied to claim 5 above, but lacks wherein the rear edge of the rib is squarer than the front edge. Lombardo teaches a grip having ribs (2, 3) wherein each of the ribs has a rear edge squarer than the front edge (see Fig. 4, col 2, 3-4). It would have been obvious to a person of ordinary skill in the art to take the saw-tooth ribs of Lombardo and combine it with the ribbed grip of Singleton for the benefit of a grip having more traction.

18. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singleton, JR et al. (US Pub 2002/0163204) in view of Stowell et al. (PN RE37,190).

With respect to claim 8, Singleton teaches the device as applied to claim 5 above, but lacks wherein successive first ribs are longer and have a projection height higher than preceding first ribs. Stowell teaches a grip wherein the ribs (19) are longer (see Fig. 1) and have a projection height higher (see Fig. 2, 5) than the preceding first ribs. It would have been obvious to a person of ordinary skill in the art to combine the grip of Stowell with the latching grip of Singleton for the benefit of a grip that is easier to manipulate.

19. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Singleton, JR et al. (US Pub 2002/0163204) in view of Chun (PN 5,556,668). Singleton teaches the device as applied to claim 5 above, but lacks wherein the first ribs and the at least one second rib of the slid member are coated by a plating layer. Chun teaches the conventionality of applying rubberized paint to plastic keys or buttons (col 1, 10-20). It would have been obvious to a person of ordinary skill in the art to apply a plating layer of rubberized paint to the gripping surface of Singleton for the benefit of a tactile feel and increased traction.

20. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Singleton, JR et al. (US Pub 2002/0163204) in view of Skinner (US Pub 2004/0061997). Singleton teaches the device as applied to claim 5 above, but lacks wherein the latch includes a spring that urges the slid member toward the locked position. Skinner teaches a latch for a computer system that includes a spring (164, 164', 216) that urges the slid member towards the locked position ([0022]). It would have been obvious to a

person of ordinary skill in the art to use a spring member to bias the latch toward the locked position for the benefit of a latch that remains latched when in a closed position.

21. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Singleton, JR et al. (US Pub 2002/0163204) in view of Howell (PN 5,580,107).

Singleton teaches a first housing (base having surface 27, see Fig. 1); a second housing (25) supported by the first housing, the second housing rotatable between a closed position to cover the first housing, and an open position to expose the first housing (see [0015]); and a latch (10) provided in the second housing, the latch sliding between a locked position to hook on the first housing when the second housing is in the closed position, and an unlocked position to release the first housing, the latch having a slid member (35) to be operated when rotating the second housing from the closed position to the open position, the slid member having an outer surface with a plurality of ribs (see [0020] teaching a plurality of ridges 45) projected from the outer surface, wherein the plurality of ribs are arranged with intervals in a sliding direction of the slid member (the sliding direction is the +y direction, see [0018]). Singleton lacks wherein the plurality of ribs are inclined to the sliding direction of the slid member.

Howell teaches a latch with a slid member (28) wherein a plurality of ribs are inclined to the sliding direction of the slid member (see Fig. 2, 3, clearing showing the ribs inclined in both sliding directions). It would have been obvious to a person of ordinary skill in the art to combine the latch of Singleton with the inclined ribs of Howell for the benefit of a latch grip that is easier to manufacture and provides greater traction.

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22. With respect to claim 15, Howell teaches wherein each of the ribs have a first part inclined in one direction partly along the sliding direction of the slid member, and a second part inclined oppositely to the one direction (see Fig. 2, 3, the ribs of the slid member 28 are inclined on both sides in opposite directions).

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nomura et al. (PN 5,465,191) teaching a similar computer latch. Oxenberg (PN 4,045,888) teaches a grip with ribs that cross each other and have angled and square edges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey M. Broussard whose telephone number is 571 272 2799. The examiner can normally be reached on M-F 7:30am-4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571 272 2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER